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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,629	06/26/2003	Marc R. Marlatt	11336/535 (P02012US)	5094

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INDIANAPOLIS OFFICE 27879
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EXAMINER

NGUYEN, TAN QUANG

ART UNIT PAPER NUMBER

3661

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,629

Applicant(s)

MARLATT ET AL.

Examiner

TAN Q NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-15,18-29 and 31-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-29,31-34 and 46 is/are allowed.
- 6) ☒ Claim(s) 1-6,8-15,18-23 and 35-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAIL ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed on April 18, 2005. As per request, claims 1, 11, 15, 18, 23-25, 31, 32 and 35, 40 have been amended. Claims 44-46 have been added. Claims 7, 16, 17 and 30 have been canceled. Thus, claims 1-6, 8-15, 18-29 and 31-46 are pending.
2. Claim 36 is still objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. It seems that this is a typographical error in which claim 36 should be depended on claim 35 instead of 33. Correction is requested. In the rejections below, it is assumed that claim 36 depends on claim 35.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-4, 8, 9, 18-23, 35-39 and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon et al. (6,408,232) in view of Palomo et al. (6,405,126) and Waeserlid et al. (2003/0034958).

6. With respect to claims 1, 3, 4, 8 and 18, Cannon et al. disclose a method and apparatus for communicating driver specific information of a driver of a vehicle which includes at least the steps of maneuvering the vehicle into a communication zone (see at least figure 4, item 402), temporarily establishing radio communication with the vehicle with a short range radio transceiver in response to entry into the communication zone (see at least figure 1 and figure 4, item 404), and bi-directional communicating driver specific information between a computing system and the vehicle (see at least figures 1 and 2).

7. Cannon et al. do not disclose that the steps of assigning a vehicle to a driver with the computing system and the driver specific information is transmitted from the computing system to the assigned vehicle. However, Palomo et al. suggest a rental system and method which includes the steps of receiving the user information about the intended destinations (user specific information) which obviously in the form of navigation coordinate as the input for the in-vehicle navigation and a text string for user to select, and wirelessly transmitting such information into the user assigned rental vehicle via radio transmitter (see at least the abstract, figure 6 and the related text). It

would have been obvious to one of ordinary skill in the art at the time the invention was made to combine these teachings in order to provide the system with the enhanced capability of allowing the computing system to automatically transmit the user specific information to the assigned rental car when the user enter the communication zone in order to avoid manually entering the user specific information in the vehicle.

8. Cannon et al. and Palomo et al. disclosed the claimed invention as discussed above except for the transmitting of a travel itinerary includes an airplane flight schedule and a status updated. However, the transmission of the travel itinerary between the remote station to the user device is well known in the art at the time the invention was made as shown in at least the abstract and figures 1 and 3 of the Waesterlid et al. reference. It would have been obvious to one ordinary skill in the art to incorporate such teaching of Waesterlid et al. into the combined system of Cannon et al. and Palomo et al. in order to transmit the travel itinerary, which is determined at the remote center, to the user device in order to remotely provide the user the update information about his/her needed information such as airplane schedule as taught in Waesterlid et al.

9. With respect to claim 2, Cannon et al. disclose that the communication is triggered when the vehicle enter the communication zone, i.e. garage, service center or rental station (see at least column 2, lines 34-48).

10. With respect to claim 9, Cannon et al. also disclose that the system includes a navigation radio, a global positioning system, a vehicle data store and a vehicle interface (see at least figure 2).

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11. With respect to claims 19-23, 35-39 and 43, the limitations of these claims have been noted in the rejections above. They are therefore considered rejected as set forth above.

12. With respect to claims 41 and 42, Cannon et al. do disclose that the driver specific information is stored in a vehicle profile record includes a vehicle ID, vehicle specification information and vehicle operational data (see at least figure 2 and column 4, lines 41-53).

13. Claims 11-15, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon et al., Palomo et al. and Waesterlid et al. as applied to the claims above, and further in view of Pepe et al. (5,742,905).

14. With respect to claims 11 and 12, the limitations of this claims have been noted in the rejections above as applied to claims 1, 3, 4 and 8. They are therefore considered rejected as set forth above. Cannon et al. do not disclose the display means for display travel path. However, Palomo et al. do suggest a displaying navigation information to the driver including the intended destinations to choose from and displaying the determined travel path on a moving map (see at least column 3, line 1-9). It would have been obvious to one of ordinary skill in the art to incorporate the displaying means of the Palomo et al. into the system of Cannon in order to provide navigation information to the user of the rental vehicle with the selected indented destination preset and ready for use.

15. Canon et al. and Palomo et al. do not explicitly disclose a communicating unidirectionally in a radio frequency spectrum of less than 300 MHz with an FM tuner. However, Canon et al. do disclose the bi-directional communication using the short range radio which operates in the desired RF frequency band with the desired range

(see column 4, lines 19-21). In addition, Pepe et al. suggest a personal communication internetworking which use either uni-direction or bi-directional communications (see at least the abstract, figures 2-3, and column 9, lines 17-29). Moreover, such FM tuner in the vehicle can be obvious use for such communication. Therefore, it would have been obvious to an ordinary skill in the art at the time the invention was made to provide the system with the uni-directional communication using radio frequency for personal communication.

16. With respect to claim 13, Cannon et al. disclose that the short range radio transceiver is capable of communicating over a distance of 100 meters or less (see at least column 2, line 65 to column 3, line 1).

17. With respect to claim 14, Cannon et al. disclose that the communication zone is limited to a vehicle staging area, i.e. garage or rental station (see at least column 2, lines 34-45).

18. With respect to claims 15 and 45, Cannon et al. do not disclose that the additional information needed for the intended destination is transmitted to the vehicle. However, Palomo et al. do suggest such feature in which additional information for the intended destinations and driving instruction are download to the vehicle via the wireless transmission as shown in at least figure 6 and column 8, lines 46-56.

19. With respect to claim 44, Cannon et al. do not disclose that the computing system recognizing that insufficient information has been provide to convert the destination into the text string and the navigation coordinate. However, such feature is well known in the computer art in which when if the user enter incorrect or missing the needed data into the computing device, it would have alert or recognizing it and request further information or enter new data, for example.

20. Claims 5, 6 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon et al., Palomo et al. and Waesterlid et al. as applied to the claims above, and further in view of Videtich (2003/0144005).

21. Cannon et al., Palomo et al. and Waesterlid et al. disclosed the claimed invention as discussed above, except for the driver specific information is a vehicle interface setting specific to the driver. However, the transmitting of the user preference is known at the time the invention was made as shown in at least the abstract, figures 1, 4, and paragraph 0007 of the Videtich reference. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate such teaching of Viddtich into the combined systems of Cannon et al. Palomo et al. and Waesterlid et al. in order to automatically transmit the user preference such as radio setting, position setting etc. into the rental vehicle to avoid manually entering by the user, thereby providing a better vehicle rental system.

22. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon et al., Palomo et al. and Waesterlid et al. as applied to the claims above, and further in view of McGowan (2003/0186715).

23. Cannon et al. and Palomo et al. disclosed the claimed invention as discussed above except for the transmitting a signal with about 1 milliwatt of power. However, McGowan suggest a wireless communication which using a short range radio link with a transmit power of about one miliwatt between the master wireless communication device to a slave wireless communication device (see at least paragraph 0028). It would have been obvious to one of ordinary skill in the art to incorporate such teaching of McGowan into the combined systems of Cannon et al. and Palomo et al. in order to provide the wireless communication with the low power.

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24. Claims 24-29, 31-34 and 46 are allowed. None of the prior art disclose a system for communicating driver specific information of a driver of a fleet vehicle which includes at least means for storing driver specific information and is operable to transmit a navigation coordinate of the intended destination to the means for providing navigation directions upon confirmation of identity of the fleet vehicle during a first entry into the communication zone, where the means for storing driver specific information is further operable to transmit a navigation coordinate indicative of a drop off point for the fleet vehicle in response to re-entry of the fleet vehicle into the communication zone, and where the means for providing navigation directions to the driver is operable to automatically generating navigation instructions from the navigation coordinate indicative of drop off point to guide the driver to the drop off point.

Remarks

25. Claims 1-6, 8-15, 18-29, 31 and 35-46 are rejected. Claims 32-34 are allowable.

26. The following references are cited as being of general interest: Roseenblatt (6,711,548), Cornad et al. (6,810,527), Brown et al. (2003/0069899), and Randall et al. (2004/0024846).

27. Applicant's arguments filed on April 18, 2005 have been fully considered and they are partially deemed to be persuasive. The claims 1, 11, 19 and 35 have been amended to include new features that would required new search. Thus, the new rejection has been set forth as above. The claims 24-29, 31-34 and 46 have been amended and the argument is deemed to be persuasive. Thus, they are allowable.

28. Applicant's submission of the requirements for the joint research agreement prior art exclusion under 35 U.S.C. 103(c) on April 18, 2005 prompted the new ground(s) of rejection under 37 CFR 1.109(b) presented in this Office action. Accordingly, THIS

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ACTION IS MADE FINAL. See MPEP § 706.02(I)(3). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Q. Nguyen, whose telephone number is (571) 272-6966. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (571) 272-6956.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to the Official Fax Center:

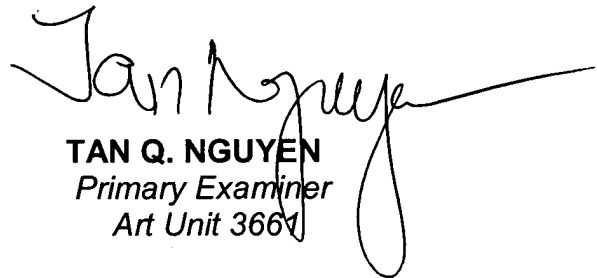
(703) 872-9306, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tqn
May 25, 2005


TAN Q. NGUYEN
Primary Examiner
Art Unit 3661